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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,549

09/28/2006

Martin Zehentbauer

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9356

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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EXAMINER

WALSH, RYAN D

ART UNIT

PAPER NUMBER

2852

MAIL DATE

DELIVERY MODE

08/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,549	Applicant(s) ZEHENTBAUER ET AL.	
	Examiner RYAN D. WALSH	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-55 is/are allowed.
- 6) ☒ Claim(s) 56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/20/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 51 is objected to because of the following informalities:

Regarding claim 51, the claimed, "machine-readable format" is unclear. The original specification does not describe what encompasses "machine-readable format", and how the information is "stored" in a tangible fashion on the "machine-readable format".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 56 is rejected under 35 U.S.C. 102(b) as being anticipated by Hanada et al. (EP 1220051), hereinafter referred to as Hanada.

Regarding claim 56, Hanada teaches, "A transport reservoir for transport of toner material, comprising: a storage unit (see Fig. 12) connected with the transport reservoir that has at least a first storage region (where S121 is stored) in which can be stored a number of transport actions associated with the transport reservoir; and a second storage region (Fig. 12, where S124, S125 or S126 is stored) in which can be stored state information that specifies that no toner material is present in the transport reservoir (each information part is stored in a different *region* of memory)."

Allowable Subject Matter

Claims 29-55 are allowed.

Regarding claims 29-49, the prior art does not teach or suggest the claimed, "associating said detected and stored toner material quantity with said transport reservoir from which said toner material is extracted to fill said supply reservoir after said under-run of said second limit value, said associating lasting at least until said lower second limit value is reached", along with the remaining claimed subject matter.

Regarding claims 50-51, the prior art does not teach or suggest the claimed, "an association device which associates said detected toner material quantity with said transport reservoir from which said toner material is extracted after said under-run of said lower second limit value, said association being maintained at least until said second lower limit value is reached", along with the remaining claimed subject matter.

Regarding claims 52-54, the prior art does not teach or suggest the claimed, "only then comparing said number of implemented transport actions associated with the transport reservoir with a limit value after a minimum quantity of toner material in the developer station or a further reservoir has not been reached after a preset number of successively implemented transport actions for transport of toner material from the transport reservoir", along with the remaining claimed subject matter.

Regarding claim 55, the prior art does not teach or suggest the claimed, "the comparison only being conducted after a minimum quantity of toner material in the developer station or in a supply reservoir as a buffer has not been reached after a preset number of successively implemented transport actions, a storage region being

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associated with the transport reservoir and in which state information can be stored, said state information specifying whether toner material is present in the transport reservoir; and state information that specifies an empty state being stored upon reaching or exceeding the limit value", along with the remaining claimed subject matter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ogata et al. (US Pub. # 2005/0117920), Tsuzuki (US Pub. # 2003/0219263) and Izumizaki (US Pat. # 5,652,947), teach similar control related to supplying toner to an image forming apparatus, as claimed in the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. WALSH whose telephone number is (571)272-2726. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan D Walsh/
Examiner, Art Unit 2852